

BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS
FRANK D. REEVES MUNICIPAL BUILDING
2000 14TH STREET, N.W., SUITE 420
WASHINGTON, D.C. 20009
(202) 671-0550

IN THE MATTER OF)	
)	DATE: January 7, 2004
Nadesia V. Henry-Hylton)	
Supervisory Social Worker)	DOCKET NO.: 03F-062
Child and Family Services Agency)	
3804 Baskerville Drive)	
Bowie, Maryland 20721)	

ORDER

Statement of the Case

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of General Counsel following a determination by its Public Information Records Management Division, that pursuant to the D.C. Official Code §1-1106.02 (2001 Edition), Nadesia V. Henry-Hylton, Supervisory Social Worker, Child and Family Services Agency, failed to timely file, a Financial Disclosure Statement for calendar year 2002, on or before May 15, 2003 as required by D.C. Official Code §1-1106.02 and also failed to file on or before the OCF sanctioned extended filing date of June 19, 2003.

By Notices of Hearing, Statements of Violations and Orders of Appearance dated August 7, 2003 and August 19, 2003, OCF ordered Nadesia V. Henry-Hylton (hereinafter respondent), to appear at scheduled hearings on August 18, 2003 and August 28, 2003 and show cause why she should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §§1-1101.01 et seq., and fined accordingly.

Summary of Evidence

OCF alleges that respondent failed to timely file the statutorily required Financial Disclosure Statement for calendar year 2002, on or before June 19, 2003.

On October 8, the respondent filed an affidavit with OCF stating that on March 16, 2003, she was involuntarily recalled to active duty on March 19, 2003 by Order of the United States Government. Respondent further stated that she was deactivated on September 7, 2003, and that from September 8 – 19, 2003, she was enrolled in a vital military training course. Respondent presented Orders dated March 16, 2003 from the

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Department of the Navy, Bureau of Naval Personnel, evidencing her deployment, as well as her Orders to attend training on the dates referenced herein. Respondent is a member of the Management Supervisory Service. On October 8, 2003, respondent filed the required Financial Disclosure Statement with OCF.

Findings of Fact

Having reviewed the allegations and the record herein, I find:

1. Respondent is a United States Naval Reservist and a member of the Management Supervisory Service.
2. On March 16, 2003, respondent was ordered to report for active duty in San Diego, California by the United States Department of the Navy for a period of 365 days.
3. Respondent was required to file a Financial Disclosure Statement for calendar year 2002, on or before June 19, 2003, in accordance with D.C. Official Code §1-1106.02.
4. Respondent filed the required FDS with OCF on October 8, 2003.
5. Respondent's explanation for the filing delinquency is credible in that respondent was unavailable because she was on active duty with the United States Navy.
7. Respondent is currently in compliance with the statute.

Conclusions of Law

Based upon the record provided by OCF, I therefore conclude:

1. Respondent violated D.C. Official Code §1-1106.02.
2. The penalty established at D.C. Official Code §1-1103.05(b)(3), and 3DCMR §§3711.2(aa), 3711.2 and 3711.4 for failure to timely file a Financial Disclosure Statement required by D.C. Official Code §1-1106.02, is a fine of \$50.00 per day for each business day subsequent to the due date.

3. In accordance with D.C. Official Code §1-1103.05(b)(3), the respondent may be fined a maximum of \$2,000.00 for failing to timely file a Financial Disclosure Statement.
4. For good cause shown pursuant to 3DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent's explanation for failing to timely file constitutes good cause for suspension of the fine.

Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Director suspend the imposition of the fine in this matter.

Date

Jean Scott Diggs
Hearing Officer

Concurrence

In view of the foregoing, I hereby concur with the Recommendation.

Date

Kathy S. Williams
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that the fine be hereby suspended in this matter.

Date

Cecily E. Collier-Montgomery
Director

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing order.

Rose Rice
Legal Assistant

NOTICE

Pursuant to 3DCMR §3711.5 (1999), any fine imposed by the Director shall become effective on the 16th day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days from the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000-14th Street, N.W., Washington, D.C. 20009.